

A



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,688	01/28/2002	Katsumi Kimura	450100-03376.1	4070

20999 7590 05/22/2003

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

KOVAL, MELISSA J

ART UNIT	PAPER NUMBER
----------	--------------

2851

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/058,688

Applicant(s)

KIMURA ET AL.

Examiner

Melissa J Koval

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 5-8, 15-25, 30, 31, 33, 39-50, 54 and 55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 9-13, 26-28, 32, 51 and 52 is/are rejected.
- 7) ☒ Claim(s) 2-4, 14, 29, 34-38, 48 and 53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Election/Restrictions***

Claims 5-8, 15-25, 30, 31, 33, 39-50, 54 and 55 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species I-IV and VI-VII, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

### ***Specification***

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it includes the prohibited legal phraseology "means". Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

Claims 9-14, 26, 32, 35-38, 46, 48 and 51-53 are objected to because of the following informalities: Claims 9-14, 26, 32, 35-38 begin with the phrase "A imaging prevention method". The phrase -- An imaging prevention method --. With respect to claim 46, line 23, the following "visual image,:" should be changed to -- visual image; --. With respect to claims 51 through 53, the phrase in the preamble of the claims "Apparatus for interfering unauthorized imaging of visual image appeared on a screen" is grammatically incorrect. Applicant should carefully review the claims for similar problems. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 51 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: an optical connection between the imaging apparatus, the screen and the infra red light projected by the infra red light projector. It is not clear from the claim what the "imaging apparatus" comprises or where the "imaging apparatus" is structurally oriented with respect to the other elements comprising the device. Claim 52 is rejected for the same reasons already applied to rejected claim 51.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 51 and 52 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wroblewski.

Refer to Figure 1 of Wroblewski, for example.

Claim 51 sets forth: "Apparatus for interfering unauthorized imaging of visual image appeared on a screen, comprising:

an infrared light projector (infra red projector 14) disposed near said screen (screen 18) for projecting infrared light in such a way that the infrared light can be incident onto imaging apparatus that is being operated for imaging the visual image on said screen." Based on a reading of the plain language of the claim, there is no distinction between the screen and other imaging apparatus. Imaging apparatus of Wroblewski's invention comprises screen 18.

Claim 52 sets forth: "Apparatus for interfering unauthorized imaging of visual image appeared on a screen, comprising:

an infrared light projector projecting infrared light (infra red projector 14); and infrared light reflector (Screen 18) reflecting infrared light projected from said infrared light projector so as said infrared light to be incident onto imaging means (visual image projector 12 and camera recorder 16) that is being operated for imaging the visual image on said screen."

Claims 1, 9-13, 26- 28, 32, 51 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Vlahos.

Refer to Figures 4 and 5 of Vlahos, for example.

Refer to column 3, lines 25 through 29. Several rear projection systems such as computer, videocassette, and digital videodisc are described therein.

Claim 1 sets forth: "An imaging prevention method for interfering unauthorized

imaging of visual image projected on a screen, the imaging prevention method comprising:

projecting infrared light to a viewer/audience direction from at least one or more infrared light projector means (I.R. Source 47), said at least one or more infrared light projector means being disposed at a rear side of the screen, whereby enabling said infrared light to be incident into imaging means of a person conducting the unauthorized act."

Refer to column 3, lines 35 through 49.

With respect to claim 9, refer to the arguments applied to already rejected claim 1, and furthermore refer to column 4, lines 37 through 67, and column 5, lines 1 through 35. The ratio matte and difference matte referred to therein meet the limitation of "a predetermined intermittent emission pattern" as far as the terms and limitations of the claim can be understood.

With respect to claim 10, refer to the arguments applied in the rejection of claim 9, and furthermore refer to the non-linear relationship shown in Figure 5 of Vlahos. It is well known to anyone having ordinary skill in the art that wavelength is a function of time.

With respect to claims 11 through 13, refer to column 4, lines 1 through 37.

Claim 26 is rejected for the same reasons already applied to rejected claim 1.

With respect to claims 27 and 28, refer to column 3, lines 50 through 55.

Claim 32 sets forth: "A imaging prevention system for interfering unauthorized

imaging of visual image projected on a screen, the imaging prevention system comprising:

at least one or more infrared light projector means (I.R. Source 47) for projecting infrared light; and infrared light reflection means (projection surface 43) for reflecting infrared light projected from at least one or more infrared light projector means so as said infrared light to be directly incident into imaging means of a person conducting the unauthorized act (Subject 44)."

Claim 51 sets forth: "Apparatus for interfering unauthorized imaging of visual image appeared on a screen, comprising:

an infrared light projector (I.R. Source 47) disposed near said screen (projection surface 43) for projecting infrared light in such a way that the infrared light can be incident onto imaging apparatus that is being operated for imaging the visual image on said screen." Based on a reading of the plain language of the claim, there is no distinction between the screen and other imaging apparatus. Imaging apparatus of the invention comprises projection surface 43.

Claim 52 is rejected for the same reasons applied to already rejected claim 32.

***Allowable Subject Matter***

Claims 2-4, 14, 29, 34-38, 48 and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record neither shows nor suggests the application of infrared



light in an area besides or through the screen as set forth in claims 2 through 4, 29 of the present application.

The prior art of record does not show or suggest an infrared light projector means comprising an array of light emitting devices as set forth in claim 14 of the present application.

The prior art of record neither shows nor suggests emission control means for controlling at least one infrared projector as set forth in claims 34-38 of the present application.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carpenter U.S. Patent 5,210,604 teaches a method and apparatus for audience participation by electronic imaging.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J Koval whose telephone number is (703) 308-4801. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on Monday through Thursday at (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7382 for After Final communications.

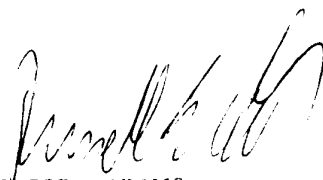
Application/Control Number: 10/058,688

Page 9

Art Unit: 2851

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MJK  
May 17, 2003



RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800